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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Argentina, Belarus, Brazil, Chile, China, Colombia*, Costa Rica*, Cyprus*, El Salvador, Greece*, India, Ireland, Italy, Japan, Nicaragua*, Peru, Philippines, Portugal*, Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland: draft resolution

1998/.. Hostage-taking

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement and protection from arbitrary detention,

Taking into account the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which also recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

of grave concern to the international community, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly in its resolution 3166 (XXVIII) of 14 December 1973,

Bearing in mind the pertinent Security Council resolutions condemning all cases of hostage-taking,

Recalling its resolution 1997/28 of 11 April 1997 and other previous resolutions on the subject, in particular its resolution 1992/23 of 28 February 1992, in which it condemned the taking of any person as hostage,

Concerned that, despite the efforts of the international community, acts of hostage-taking, in different forms and manifestations, including, inter alia, those committed by terrorists and armed groups, have increased in many regions of the world,

Appealing for the humanitarian action of humanitarian organizations, in particular of the International Committee of the Red Cross and its delegates, to be respected, in accordance with the Geneva Conventions of 1949 and the Additional Protocols thereto,

Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order, in strict conformity with international human rights standards, to bring such abhorrent practices to an end,

1. Reaffirms that hostage-taking, wherever and by whomever committed, is an illegal act aimed at the destruction of human rights and is, under any circumstances, unjustifiable;

2. Condemns all acts of hostage-taking, anywhere in the world;

3. Demands that all hostages be released immediately and without any preconditions;

4. Calls upon States to take all necessary measures, in accordance with relevant provisions of international law and international human rights standards, to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation in this field;

5. Urges all thematic special rapporteurs and working groups to continue to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission;

6. Decides to remain seized of this matter.

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 17

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Argentina, Australia*, Austria, Belgium*, Bulgaria*, Canada, Chile, Croatia*, Denmark, El Salvador, Finland*, France, Germany, Ireland, Italy, Lithuania*, Luxembourg, Madagascar, Netherlands*, New Zealand*, Poland, Portugal*, Russian Federation, South Africa, Spain*, Sweden*, Switzerland*, the former Yugoslav Republic of Macedonia*, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: draft resolution

1998/... Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as Commission on Human Rights resolution 1997/46 of 11 April 1997,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights called for an enhanced programme of advisory services in the field of human rights, as well as for a more efficient and transparent management of the programme,

Mindful that the United Nations High Commissioner for Human Rights, according to her mandate as established by the General Assembly in resolution 48/141 of 20 December 1993, is responsible, inter alia, for the provision of advisory services and technical cooperation at the request of States as well as for the coordination of human rights promotion and protection activities throughout the United Nations system,

Taking note with appreciation of the report of the Secretary-General on technical cooperation in the field of human rights (E/CN.4/1998/92), including the Voluntary Fund for Technical Cooperation in the Field of Human Rights, and taking note also of the recommendations of the Board of Trustees of the Voluntary Fund,

1. Declares that advisory services and technical cooperation provided at the request of Governments with a view to developing national capacities in the field of human rights constitute one of the most efficient and effective means of promoting and protecting all human rights and democracy;

2. Welcomes, therefore, the increasing number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights, and encourages all States in need of assistance in this field to consider making use of advisory services and technical cooperation in order to achieve the full enjoyment of all human rights;

3. Encourages the United Nations High Commissioner for Human Rights to continue to develop the potential for the provision of advisory services and technical cooperation;

4. Stresses that, with a view to assisting States in promoting and protecting human rights and strengthening the rule of law and democracy, priority should be given to technical cooperation programmes designed to address the specific requirements of the requesting countries;

5. Reaffirms that the provision of advisory services and technical cooperation does not exempt any country from the monitoring activities of the human rights programme, and notes in this regard that, in order to help

produce lasting results, monitoring and preventive activities may need to be accompanied by promotional activities through advisory services and technical cooperation;

6. Welcomes efforts to integrate economic, social and cultural rights as well as a gender perspective into the technical cooperation programme;

7. Reaffirms that advisory services and technical cooperation in the field of human rights require close cooperation and coordination between United Nations bodies and all specialized agencies active in this field so as to enhance the effectiveness and efficiency of their respective programmes and to promote all human rights, the rule of law and democracy;

8. Welcomes in this regard the enhanced cooperation between the Office of the High Commissioner for Human Rights and the United Nations Development Programme, as well as the Secretary-General's request to the High Commissioner to undertake an analysis of the technical assistance provided by United Nations entities in areas relating to human rights and to formulate proposals for improving complementarity of action;

9. Invites relevant United Nations treaty bodies, special rapporteurs and special representatives, as well as working groups, to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services and technical cooperation in the field of human rights;

10. Emphasizes the need for an increase in the allocation of resources from within the regular United Nations budget for advisory services and technical cooperation in the field of human rights;

11. Expresses its appreciation for the contributions made to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and welcomes in particular the increasing contributions made by developing countries, and invites more Governments and non-governmental organizations to consider contributing;

12. Requests the Board of Trustees to continue to assist the High Commissioner for Human Rights in monitoring, reviewing and improving constantly the implementation of technical cooperation projects, the conduct of comprehensive needs assessments and the monitoring of ongoing as well as the evaluation of completed projects, and invites the Chairman of the Board to address the Commission;

13. Emphasizes the need for the nomination of a new coordinator for the Voluntary Fund with substantial experience in development cooperation;

14. Requests the Secretary-General

(a) To continue, in accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund, to ensure efficient management of the Voluntary Fund, strict and transparent project management rules, periodic evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

(b) To continue to provide the necessary administrative assistance for the Board of Trustees, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights;

(c) To submit an analytical report to the Commission on Human Rights at its fifty-sixth session on the progress and concrete achievements made as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.

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COMMISSION ON HUMAN RIGHTS
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Agenda item 15

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

Bulgaria*, Czech Republic, Denmark, Finland*, France, Germany, Greece*, Hungary*, Ireland, Italy, Japan, Netherlands*, New Zealand*, Norway*, Peru, Portugal*, Slovenia*, Spain*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

1998/... Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling its previous resolutions, in particular resolutions 1992/66 of 4 March 1992 and 1997/22 of 11 April 1997, as well as the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as defined by the Commission and its particular responsibilities established, inter alia, in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, and the relevant resolutions of the General Assembly,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Taking note of the report of the working group on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1994/3) and of Sub-Commission decision 1994/117 of 26 August 1994,

Taking note also of the reports of the Sub-Commission and its Chairman on the forty-ninth session (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50 and E/CN.4/1998/88),

1. Reaffirms that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the expert views and perspectives of independent members, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. Welcomes further steps undertaken by the Sub-Commission to reform and improve its methods of work, in particular:

(a) The process of restructuring its agenda during its forty-ninth session;

(b) The efforts made during its forty-ninth session to implement its decision 1996/114 to achieve a compilation of the existing rules of procedure and procedural questions to be resolved;

(c) The decision to limit the initiation of new studies (decision 1996/113) and the adoption of criteria for new studies (decision 1997/112);

(d) The establishment of a sessional working group on the methods of work of the Sub-Commission (decision 1997/104);

(e) The efforts made during its forty-ninth session to enhance its cooperation with all relevant bodies;

3. Takes note with interest of Sub-Commission decisions 1996/115 and 1997/113, and invites it to continue its efforts to avoid duplication with the work of the Commission on Human Rights,

4. Requests the Sub-Commission to further improve its efficiency, taking into account the views of Member States, and, in this context, calls upon the Sub-Commission and its members:

(a) To focus on its primary role as an advisory body of the Commission on Human Rights;

(b) To give particular attention to the selection of studies, taking into account recommendations of the Commission on Human Rights and of treaty bodies, and, when choosing subjects for study, to explain the choice made so as to enable the Commission adequately to assess the need for that study, and to complete all studies within a reasonable time;

(c) To strictly adhere to the principles of independence, impartiality and expertise;

(d) To facilitate efficient and effective participation of non-governmental organizations;

(e) To improve consultations with special rapporteurs undertaking studies for the Sub-Commission;

(f) To further enhance cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies, including human rights treaty bodies and relevant United Nations research institutions;

(g) To focus strictly on questions relating to human rights in accordance with its mandate;

5. Calls upon States to nominate as members and alternates independent experts of recognized competence in the field of human rights as well as to respect fully the independence of elected members and alternates;

6. Requests States nominating candidates for the Sub-Commission to submit nominations sufficiently early so as to enable the members of the Commission to assess thoroughly the qualifications of the nominees;

7. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all the official United Nations languages in good time before the session;

8. Also requests the Secretary-General, in responding to requests from the Sub-Commission, to solicit information from Governments and intergovernmental and non-governmental organizations, to agree to such requests only after they have been approved by the Commission on Human Rights;

9. Takes note of Sub-Commission resolution 1997/17 and

(a) Calls upon the Sub-Commission to devote sufficient time at its fiftieth session to the discussion of its working methods and to prepare specific recommendations on that issue for consideration by the Commission on Human Rights;

(b) Authorizes the Sub-Commission to organize its four-week session so that it shall not hold more than 30 public meetings;

(c) Decides that for the balance of the session the Sub-Commission shall meet in private session to consider the implementation of the present resolution and to consider other appropriate issues;

(d) Requests the Sub-Commission to report to the Commission on Human Rights on the results of this method of organization;

10. Invites the Chairman of the Commission to address the Sub-Commission about the debate under this item;

11. Requests the Chairman of the Sub-Commission at its fiftieth session to report to the Commission at its fifty-fifth session on significant aspects of the work of the Sub-Commission.

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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

Denmark, Germany and the Netherlands*: draft decision

1998/.. Human rights and scientific and technological developments

The Commission on Human Rights,

Taking note of resolution 1997/42 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that at its present session the Commission will not consider the agenda item entitled "Human rights and scientific and technological developments",

Recalling its resolution 1997/22 of 11 April 1997 in which the Commission, inter alia, requested the Sub-Commission to give particular attention to the process of selection of studies, and

Reiterating that studies to be undertaken by members of the Sub-Commission should be based on extended working papers in which the subject and the purpose of the proposed study are clearly identified,

Decides to request the Sub-Commission to reconsider its recommendation to appoint a Special Rapporteur on human rights and scientific and technological developments.

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

Denmark, Germany and the Netherlands*: draft decision

1998/... Question of human rights and states of emergency

The Commission on Human Rights, taking note of resolution 1997/27 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having taken note of the final report and tenth annual list of States, which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency submitted by Mr. Leandro Despouy, the Special Rapporteur of the Sub-Commission on the question of human rights and states of emergency (E/CN.4/Sub.2/1997/19 and Add.1), and recognizing the important work done by Mr. Despouy, and recalling its resolution 1997/22 of 11 April 1997 in which it requested the Sub-Commission to give particular attention to the process of selection of studies, decides to request the United Nations High Commissioner for Human Rights to submit annually to the Commission an updated list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency.

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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Agenda item 15

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

Denmark, Germany and Netherlands*: draft decision

1998/... Study concerning the right to freedom of movement

The Commission on Human Rights, taking note of resolution 1997/30 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having taken note of the working paper submitted by Mr. Volodymyr Boutkevitch to the Sub-Commission on the right to freedom of movement and related issues, recognizing the important work in this field by the Special Rapporteur of the Commission, Mr. José D. Ingles and Mr. C.L.C. Mubanga Chipoye, recognizing also the important role of both the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration in this field and in related areas, recalling its resolution 1997/22 of 11 April 1997 in which the Commission, inter alia, requested the Sub-Commission to give particular attention to the process of selection of studies, and reiterating that studies to be undertaken

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

by members of the Sub-Commission should be based on extended working papers in which the subject and the purpose of the proposed study are clearly identified, decides to return to the question of the appointment of Mr. Boutkevitch as Special Rapporteur on the right of everyone to leave any country, including his own, and to return to his country, at its fifty-fifth session.

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 8 (d)

QUESTION OF HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Argentina, Australia*, Austria, Brazil, Bulgaria*, Cameroon*, Cape Verde, Chile, Colombia*, Costa Rica*, Croatia*, Cyprus*, Czech Republic, Denmark, Dominican Republic*, Ecuador, El Salvador, Finland*, France, Germany, Greece*, Guatemala, Haiti*, Honduras*, Hungary*, Ireland, Italy, Liechtenstein*, Luxembourg, Mali, Mexico, Nicaragua*, Norway*, Peru, Poland, Portugal*, Romania*, Russian Federation, Senegal, Slovakia*, Slovenia*, South Africa, Spain*, Sweden*, Switzerland*, the former Yugoslav Republic of Macedonia*, Uruguay and Venezuela: draft resolution

1998/... Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its resolution 1992/43 of 3 March 1992, by which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica (E/CN.4/1991/66), and decided to consider the question at its forty-ninth session,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also the subsequent resolutions on the subject, in particular resolution 1997/49 of 22 July 1997 of the Economic and Social Council, by which it authorized the working group to hold a new meeting in order to continue its work,

Recalling further that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

Considering that a final text of a draft optional protocol could be completed in one more session of the open-ended working group, given the substantial progress made during the last meeting,

1. Takes notes with appreciation of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1998/42 and Corr.1), and warmly welcomes the progress made during the working group's sixth session;

2. Requests the open-ended working group, in order to continue its work, to meet prior to the fifty-fifth session of the Commission for a period of two weeks, in the course of which the Chairman, in consultation with the working group, may request one additional week with a view to completing expeditiously a final and substantive text, and to report to the Commission at its fifty-fifth session;

3. Requests the Secretary-General to transmit the report of the working group to all Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and intergovernmental and non-governmental organizations, and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all the necessary facilities to the working group for its meeting prior to the fifty-fifth session of the Commission;

6. Encourages the Chairman to conduct informal consultations with all interested parties, prior to the next session of the working group, in order to present a consolidated text for its consideration;

7. Decides to examine the report of the working group at its fifty-fifth session under the sub-item "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" of the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

8. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1998/... of .. April 1998,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks, with a possibility of extending it to three, prior to the fifty-fifth session of the Commission in order to continue or conclude the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings, and to transmit the report of the working group (E/CN.4/1998/42) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned."

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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

Argentina, Bulgaria*, Canada, Chile, Colombia*, Costa Rica*, Croatia*, Czech Republic, Denmark, Dominican Republic*, El Salvador, Estonia*, Finland*, Germany, Guatemala, Hungary*, Iceland*, Ireland, Italy, Liechtenstein*, Madagascar, Mexico, Nicaragua*, Norway*, Poland, Portugal*, Romania*, Senegal, Slovakia*, Slovenia*, South Africa, Sweden*, Switzerland*, Ukraine and Uruguay: draft resolution

1998/... Minimum humanitarian standards

The Commission on Human Rights,

Gravely concerned at the large number of situations where internal violence causes extensive suffering and breaches of the principles of humanity and undermines the protection of human rights,

Conscious of the desirability of continuing to study the principles of humanity governing the behaviour of all persons, groups and public authorities,

Emphasizing, in this regard, the need to identify and implement measures to prevent violations and abuses of human rights and fundamental freedoms, in particular the right to life and integrity of the individual,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling its resolution 1997/21 of 11 April 1997 and welcoming the analytical report of the Secretary-General on the issue of fundamental standards of humanity (E/CN.4/1998/87 and Add.1),

1. Recognizes the desirability of identifying fundamental standards of humanity applicable in all situations in a manner consistent with international law, including the Charter of the United Nations;

2. Also recognizes in this regard the vital importance of the existence in each country of appropriate national legislation for dealing with such situations in a manner consistent with the rule of law;

3. Welcomes the discussion on the various issues involved as set out in the analytical report of the Secretary-General and invites Governments, United Nations bodies, the human rights treaty bodies, mechanisms of the Commission on Human Rights and intergovernmental organizations, as well as regional organizations and non-governmental organizations, to comment on these issues;

4. Recognizes that the analytical report identifies issues that need further study;

5. Requests the Secretary-General, in coordination with the International Committee of the Red Cross and within existing resources, to continue to study and consult on the issues identified for further clarification in the analytical report and to submit a report entitled "Fundamental standards of humanity" to the Commission at its fifty-fifth session.

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 17

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Argentina, Brazil, Canada, Chile, Colombia*, Costa Rica*, El Salvador, France, Guatemala, Haiti*, Mexico, Peru, Uruguay, Venezuela: draft resolution

1998/... Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, and the international covenants on human rights,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its resolution 1997/52 of 15 April 1997 and General Assembly resolution 52/138 of 12 December 1997,

Having in mind the report (A/52/499) on the human rights situation in Haiti submitted by the independent expert of the Commission on Human Rights, Mr. Adama Dieng, to the General Assembly and the note by the Secretariat dated 5 February 1998 (E/CN.4/1998/97),

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recognizing the important contributions of the International Civilian Mission to Haiti, the United Nations Support Mission in Haiti, the National Commission for Truth and Justice, the United Nations Transition Mission in Haiti, terminated on 30 November 1997, and the United Nations Civilian Police Mission in Haiti, currently functioning, to the task of restoring and strengthening democracy in Haiti and of establishing a climate of freedom and tolerance conducive to respect for human rights in that country,

Recognizing the interdependence and the mutual reinforcements between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

Expressing its concern at the adverse effects upon Haiti's political, economic and social situation caused by the absence of an agreement in regard to the appointment of a prime minister,

Bearing in mind that the people of Haiti is due to express in the coming months its political will, through free, honest and transparent elections in accordance with the Constitution and the laws,

Welcoming the report of the Secretary-General on the implementation of the programme of technical cooperation in Haiti (A/52/515),

Noting with satisfaction the renewal by the General Assembly, in its resolution 51/196 B of 31 July 1997, of the mandate of the International Civilian Mission to Haiti,

Welcoming the improvements effected in the human rights situation in Haiti since the restoration of its democratic regime and noting the declarations by the Haitian authorities to the effect that the Government of that country remains committed to upholding human rights,

Indicating its concern at the security problems faced by Haitian society, some of which are due to the difficult social and economic conditions of that society, and which both account for and result from the limitations of the judicial and police systems, as indicated in the reports of the independent expert,

Reiterating its satisfaction at the invitation to visit the country addressed by the Government of Haiti to the Special Rapporteur on violence against women,

1. Thanks the Secretary-General, his Special Representatives and the independent expert on the human rights situation in Haiti of the Commission on

Human Rights for their unremitting efforts on behalf of the consolidation of democratic institutions in Haiti and respect for human rights in that country;

2. Notes with gratitude the report of Mr. Adama Dieng, independent expert of the Commission on Human Rights, to the General Assembly on the situation of human rights in Haiti (A/52/499), and the recommendations contained therein;

3. Invites the Government of Haiti to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Reaffirms the importance, for the realization of a genuine and effective process of transition and national reconciliation, of the investigations undertaken by the National Commission for Truth and Justice, and once again urges the Government of Haiti to institute legal proceedings against the perpetrators of human rights violations identified by the Commission for Truth and Justice and to create effective facilities for support to the victims, particularly women, children and members of their families;

5. Encourages the political leaders and representatives of Haitian civil society to pursue a dialogue whereby agreement may be rapidly reached and the deadlock created with regard to the appointment of the prime minister may thereby be overcome;

6. Calls upon the Haitian authorities to mobilize political will for the pursuit of reform and for the strengthening of the judicial system and improvement of the country's prisons;

7. Draws attention to the need for the Haitian National Police to continue receiving technical training to enable it to perform its functions efficiently, within a framework of respect for human rights;

8. Welcomes the report submitted by the Secretary-General on the implementation of the programme of technical cooperation in Haiti which the Office of the United Nations High Commissioner for Human Rights is conducting for the purpose of strengthening institutional capacity in that field and especially in the areas of legislative reform, training of justice

administration personnel and human rights education, and requests him to submit a further report on the implementation of this programme to the Commission at its fifty-fifth session;

9. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard to the continuing fragility of the country's political, economic and social situation;

10. Notes with satisfaction the putting into operation by the Government of Haiti of the Office of Citizen Protection and invites the High Commissioner to contribute to its strengthening, through a programme of technical cooperation, so that it may develop into a national institution for the promotion of human rights, widely open to participation by civil society;

11. Invites once again the Special Rapporteur on violence against women to consider favourably the invitation by the Government of Haiti to visit the country;

12. Invites the independent expert to report to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session on developments in the human rights situation in Haiti;

13. Decides to continue consideration of this question at its fifty-fifth session under the item entitled "Advisory services in the field of human rights".

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 9

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Afghanistan*, Algeria*, Andorra*, Argentina, Belarus, Bosnia and Herzegovina*, Bulgaria*, Burundi*, Cameroon*, Cape Verde, Chile, Colombia*, Costa Rica*, Côte d'Ivoire*, Croatia*, Cyprus*, Czech Republic, Denmark, Dominican Republic*, Ecuador, El Salvador, Ethiopia*, France, Georgia*, Greece*, Guatemala, Haiti*, Hungary*, Iraq*, Ireland, Israel*, Italy, Japan, Latvia*, Mexico, Mongolia*, Nicaragua*, Pakistan, Paraguay*, Peru, Philippines, Poland, Portugal*, Romania*, Russian Federation, Rwanda, Senegal, Slovakia*, Slovenia*, South Africa, Tunisia, Ukraine, Uruguay and Venezuela: draft resolution

1998/... United Nations Decade for Human Rights Education

The Commission on Human Rights,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling the provisions of other international human rights instruments, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 of the Convention on the Rights of the Child, that reflect the aims of the aforementioned article,

Taking into account Commission on Human Rights resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and its practical application, should be established as a priority in education policies,

Believing that each woman, man and child, to realize their full human potential, must be made aware of all their human rights, civil, cultural, economic, political and social,

Believing also that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive life-long process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages that takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with human immunodeficiency virus/acquired immunodeficiency syndrome infection and disabled persons,

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in particular Part II, paragraphs 78 to 82 thereof,

Recalling the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Recalling also General Assembly resolution 49/184 of 23 December 1994 by which the Assembly proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade, as contained in the report of the Secretary-General

(A/49/261-E/1994/110/Add.1, annex), and requested the United Nations High Commissioner for Human Rights to coordinate the implementation of the Plan of Action,

Noting General Assembly resolution 52/127 of 12 December 1997 by which the Assembly urged all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information,

1. Takes note with appreciation of the report of the Secretary-General to the General Assembly on the implementation of the Plan of Action for the United Nations Decade on Human Rights Education (A/52/469 and Add.1);

2. Welcomes the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action, and to develop public information activities in the field of human rights, as indicated in the report of the Secretary-General;

3. Urges all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the guidelines for national plans of action for human rights education, contained in the report of the Secretary-General (A/52/469/Add.1);

4. Also urges Governments to encourage, support and involve national and local non-governmental and community-based organizations in the implementation of their national plans of action;

5. Requests the United Nations High Commissioner for Human Rights to accelerate, within existing resources, the implementation of the Plan of Action and, in particular, to encourage and facilitate the establishment of national plans of action for human rights education in Member States in accordance with national conditions;

6. Encourages the Office of the United Nations High Commissioner for Human Rights to continue to support national capacities for human rights

education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as a component of technical cooperation projects;

7. Requests human rights monitoring bodies to consider adopting a general comment on human rights education, and to place emphasis when examining reports of States parties, on obligations of States parties in the area of human rights education and information and to reflect this emphasis in their concluding observations;

8. Invites the specialized agencies and relevant United Nations programmes and funds to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and to cooperate closely with the Office of the High Commissioner in that regard;

9. Calls upon international, regional and national non-governmental organizations and intergovernmental organizations, in particular those concerned with women, labour, development, food, housing, education, health care and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to undertake specific activities of formal, non-formal and informal education, including cultural events, alone and in cooperation with the Office of the High Commissioner, in implementing the Plan of Action;

10. Encourages Governments and intergovernmental and non-governmental organizations to undertake human rights education and information initiatives as a contribution to the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, and to continue this work, in accordance with the Plan of Action, for the duration of the Decade;

11. Requests the Office of the High Commissioner, to consider appropriate ways and means, including the possibility of establishing a voluntary fund, to support human rights education activities, including those undertaken by non-governmental organizations;

12. Decides to continue consideration of the question of human rights education at its fifty-fifth session under the same agenda item, in connection with the question of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights.

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Argentina, Australia*, Austria, Belgium*, Bulgaria*, Canada, Chile, Czech Republic, Denmark, Dominican Republic*, El Salvador, Finland*, France, Germany, Greece*, Haiti*, Honduras*, Hungary*, Ireland, Italy, Lithuania*, Luxembourg, Madagascar, Mali, Nepal, Netherlands*, Norway*, Poland, Portugal*, Republic of Korea, Romania*, Russian Federation, Senegal, Slovakia*, Slovenia*, South Africa, Spain*, Sweden*, Switzerland*, United States of America, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

1998/... Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular, Part I, paragraph 27, and Part II, paragraphs 88, 90 and 95 thereof,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolution 1994/41 of 4 March 1994, in which it requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

Recalling also its resolution 1995/36 of 3 March 1995, in which it endorsed the decision of the Special Rapporteur to use, beginning in 1995, the short title "Special Rapporteur on the independence of judges and lawyers",

Recalling further General Assembly resolution 40/32 of 29 November 1985, in which the Assembly endorsed the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and Assembly resolution 40/146 of 13 December 1985,

Recalling General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Recalling also the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders regarding, among other things, the invitation addressed to Member States to ensure the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of penal justice and police affairs, taking into account the Basic Principles on the Independence of the Judiciary,

Recalling further the Statement of Principles on the Independence of the Judiciary adopted in Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific, and the Cairo Declaration, adopted in November 1995 by the Third Conference of Francophone Ministers of Justice,

Acknowledging the importance for the Special Rapporteur of being able to cooperate closely, in the framework of his mandate, with the Office of the

United Nations High Commissioner for Human Rights in the field of advisory services and technical cooperation, which could contribute to guaranteeing the independence of judges and lawyers,

Recognizing the importance of the role of non-governmental organizations, bar associations and professional associations of judges in the defence of the principles of the independence of lawyers and judges,

Noting with concern the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and aware of the close link between the weakening of safeguards for judges, lawyers and court officers and the frequency and gravity of violations of human rights,

Taking note of the report (E/CN.4/1998/39 and Add.1-5) submitted by the Special Rapporteur on the independence of judges and lawyers on the implementation of his mandate,

1. Takes note of the report submitted by the Special Rapporteur on the activities relating to his mandate;

2. Also takes note of the cooperative working methods that the Special Rapporteur has adopted to draw up his report and implement his mandate, as described in Commission resolution 1994/41;

3. Welcomes the numerous exchanges the Special Rapporteur has had with several intergovernmental and international organizations and United Nations bodies, and encourages him to continue along this path;

4. Notes with appreciation the determination of the Special Rapporteur to achieve as wide a dissemination as possible of information about existing standards relating to the independence and impartiality of the judiciary and the independence of the legal profession in conjunction with the publications and promotional activities of the Office of the United Nations High Commissioner for Human Rights;

5. Invites the United Nations High Commissioner for Human Rights to continue to provide technical assistance to train judges and lawyers and to associate the Special Rapporteur in the elaboration of a manual on the training of judges and lawyers in the field of human rights;

6. Urges all Governments to assist the Special Rapporteur in the discharge of his mandate and to transmit to him all the information requested;

7. Encourages Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to

implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting him to their country if the Government concerned deems it necessary;

8. Requests the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-fifth session, and decides to consider this question at that session;

9. Requests the Secretary-General, within the limits of the United Nations regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate.

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COMMISSION ON HUMAN RIGHTS
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Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Argentina, Austria, Canada, Denmark, France, Germany, Greece*, Portugal*, Russian Federation, Slovakia*, Spain* and United States of America: draft resolution

1998/... Human rights and forensic science

The Commission on Human Rights,

Recalling its resolutions 1993/33 of 5 March 1993, 1994/31 of 4 March 1994 and 1996/31 of 19 April 1996,

Welcoming the report of the Secretary-General on human rights and forensic science (E/CN.4/1998/32) submitted pursuant to its resolution 1996/31,

Recognizing that forensic science is an important tool in detecting evidence of torture and other cruel, inhuman or degrading treatment or punishment,

Noting that the practice of forensic science includes examinations of both dead and living persons, and also includes identification procedures,

Noting also that in many of the countries concerned, sufficient expertise is not available in forensic science and related fields to investigate human rights violations effectively,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting the need of Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances as emphasized in the reports of the Working Group on Enforced or Involuntary Disappearances and of the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as those of various country rapporteurs,

Aware that several special rapporteurs have welcomed efforts towards the institution of a standing team of forensic experts and experts in related fields to assist them in carrying out their human rights mandates,

1. Requests the Office of the High Commissioner for Human Rights to consult with Governments, relevant United Nations bodies and professional organizations of forensic and related experts as mentioned in the reports of the Secretary-General, of which the latest is contained in document E/CN.4/1998/32 of 5 January 1998, with a view to updating the list of experts with their biographical data, including professional qualifications, current employment, contact address, gender (the nomination of female experts is encouraged), indications of availability, and the kind of assistance they could provide;

2. Also requests the Office of the High Commissioner to encourage the forensic and other experts to abide by the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989;

3. Invites the Office of the High Commissioner and the Crime Prevention and Criminal Justice Division of the Secretariat to consider revising the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions in which standard procedures for adequate post-mortem examinations (autopsies or partial autopsies) are described;

4. Also invites the Office of the High Commissioner to consider the possibility that forensic experts coordinate and produce additional manuals concerned with examinations of living persons for the following two areas of forensic medicine:

(a) Clinical forensic examinations, conducted in a gender-sensitive manner, to document injuries which may be caused by torture and other cruel, inhuman or degrading treatment, including an assessment of any physical and

psychological symptoms, of detained persons; war prisoners; women who may have been exposed to rape and sexual violence; civilians in areas where human rights may have been violated; refugees from areas in which evidence is available regarding use or suspicion of use of torture and other cruel, inhuman or degrading treatment; detainees in psychiatric institutions and children in youth institutions in regions where there is a suspicion that their rights have been violated or that they have been subjected to torture or other cruel, inhuman or degrading treatment;

(b) Examinations to identify children of persons who have disappeared or children who have been subjected to enforced disappearance;

5. Recommends that the Office of the High Commissioner encourage, as appropriate, the dissemination and use of the manuals referred to in the present resolution and the setting up of courses aimed at providing training in forensic activities relating to victims of human rights violations, particularly in countries without sufficient expertise in forensic science and related fields, for example through the training of local teams;

6. Also recommends that the Office of the High Commissioner establish procedures to evaluate the use of forensic expertise and the results of those efforts;

7. Requests the Office of the High Commissioner to report to the Commission at its fifty-sixth session on progress made in this matter, including:

(a) The availability of a comprehensive and up-to-date list of forensic experts;

(b) A revised standardized service agreement regulating the use of the forensic experts, including provisions for the protection of the experts who so serve;

8. Requests the Secretary-General to provide appropriate resources, from within existing overall United Nation resources, to fund the activities of the Office of the High Commissioner in implementing the present resolution;

9. Decides to consider the question at its fifty-sixth session under the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

Angola*, Austria, Belgium*, Brazil, Bulgaria*, Canada, Cape Verde, Czech Republic, Denmark, Finland*, France, Germany, Greece*, Hungary*, Ireland, Italy, Japan, Lithuania*, Luxembourg, Malta*, Netherlands*, New Zealand*, Norway*, Peru, Philippines, Poland, Portugal*, Republic of Korea, Romania*, Russian Federation, San Marino*, Slovakia, Spain*, Sweden*, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay: draft resolution

1998/... United Nations staff

The Commission on Human Rights,

Recalling its resolution 1997/25 of 11 April 1997,

Gravely concerned at the recent increase in attacks and the use of force against United Nations and other personnel acting under the authority of United Nations operations as well as personnel of international humanitarian organizations, including murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting of assets and other hostile acts, and, in this context, welcoming the statement by the President of the Security Council of 12 March 1997 (S/PRST/1997/13) on "Security of United Nations operations",

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting that, since its adoption the Convention on the Safety of United Nations and Associated Personnel has only been signed by 43 Member States and ratified by 17,

1. Takes note of the report of the Secretary-General on the security of United Nations personnel (E/CN.4/1998/33);

2. Draws attention to the relevant principles on protection found in the Convention on the Privileges and immunities of the United Nations, in the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

3. Calls upon all States to consider promptly becoming parties to the Convention on the Safety of United Nations and Associated Personnel;

4. Calls upon all States and others concerned:

(a) To respect and ensure respect for the rights of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to take the necessary measures to ensure the safety and security of those personnel as well as the inviolability of United Nations premises which are essential to the continuation and successful implementation of United Nations operations;

(b) To provide adequate and prompt information concerning the arrest or detention of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(c) To grant the representative of the competent international organization immediate access to such personnel;

(d) To allow independent medical teams to investigate the health of detained United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to afford them the necessary medical assistance;

(e) To allow representatives of the competent international organization to attend hearings involving United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, provided that such attendance is consistent with domestic law;

(f) To ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions referred to in the present resolution and applicable international humanitarian law;

(g) To ensure that the perpetrators of unlawful acts against United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are held accountable for their actions,

5. Requests the Secretary-General:

(a) To take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and, when those human rights, privileges and immunities are violated, to ensure that such personnel are restored to their organization, and, where appropriate, to seek redress and compensation for the damage caused to them;

(b) To take the necessary measures to implement the recommendations contained in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19), including the recommendations contained in paragraphs 45 and 47;

(c) To seek the inclusion of the applicable principles referred to in paragraph 2 of the present resolution in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel;

(d) To submit to the Commission at its fifty-sixth session a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on new cases which have been successfully settled as they relate to the principles set out in the International Covenants on Human Rights, and on the implementation of the measures referred to in the present resolution;

(e) To submit to the Commission at its fifty-sixth session the comprehensive and independent study, requested from within existing resources, in resolution 1997/25, to shed further light on the safety and security problems which United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation currently face, taking into account the evolution of the nature of United Nations missions around the world and their greater responsibilities, giving due consideration to the views of the main United Nations agencies concerned and those of relevant intergovernmental and non-governmental organizations.

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 8 (a)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Australia*, Austria, Belgium*, Canada, Chile, Czech Republic, Denmark, El Salvador, Finland*, France, Germany, Greece*, Hungary*, Ireland, Italy, Latvia*, Liechtenstein*, Lithuania*, Luxembourg, Netherlands*, New Zealand*, Norway*, Poland, Portugal*, Republic of Korea, Romania*, Slovakia*, Spain, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

1998/... Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Reaffirming that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment, that such actions constitute a criminal attempt to destroy a fellow human being physically and mentally, which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling that freedom from torture and cruel, inhuman or degrading treatment or punishment is a non-derogable right and that the prohibition of torture is explicitly affirmed in article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as in the relevant provisions of other international human rights instruments such as the Convention on the Rights of the Child, the Vienna Declaration and Programme of Action, the Declaration on the Elimination of All Forms of Violence against Women and the four Geneva Conventions of 1949 for the protection of war victims,

Appalled at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling all relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular Assembly resolution 51/86 of 12 December 1996 and Commission resolution 1997/38 of 11 April 1997,

Mindful of the proclamation by the General Assembly in its resolution 52/149 of 10 December 1997 of 26 June as United Nations International Day in Support of Victims of Torture,

1. Calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. Urges all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23) and, in particular, of Part II, section B.5, relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law;

3. Reminds Governments that corporal punishment can amount to cruel, inhuman or degrading punishment or even to torture;

4. Stresses in particular that all allegations of torture or cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who

encourage, order, tolerate or perpetrate such acts must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts obtain redress and be awarded fair and adequate compensation and receive appropriate socio-medical rehabilitation;

5. Reminds all States that prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment;

6. Calls upon all Governments, the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies as well as relevant intergovernmental and non-governmental organizations to commemorate on 26 June the United Nations International Day in Support of Victims of Torture;

7. Takes note of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1998/36/Rev.1);

8. Urges all States to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority;

9. Invites all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to avoid making, or consider the possibility of withdrawing, reservations to article 20;

10. Encourages States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

11. Urges all States parties to comply strictly with their obligations in accordance with article 19 of the Convention, including their reporting obligations, and, in particular, those States parties whose reports are long overdue to submit their reports forthwith;

12. Stresses that under article 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment acts of torture must be made an offence under domestic criminal law and that acts of torture during armed conflict are considered a grave breach of the Geneva Conventions of 1949, with the perpetrators liable to prosecution and punishment;

13. Emphasizes the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and calls upon the United Nations High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide, at the request of Governments, advisory services in this regard, as well as technical assistance in the development, production and distribution of appropriate teaching material for this purpose;

14. Stresses in this context that States must not punish personnel referred to in the preceding paragraph for not obeying orders to commit acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

15. Welcomes the report of the Committee against Torture on its seventeenth and eighteenth sessions (A/52/44);

16. Also welcomes the work of the Committee against Torture and its practice of formulating concluding observations after the consideration of reports, as well as its practice of carrying out inquiries into cases where there are indications of the systematic practice of torture in States parties;

17. Urges States parties to take fully into account, in implementing the provisions of the Convention, the conclusions and recommendations made by the Committee at the end of the consideration of their reports;

18. Requests the Secretary-General to submit to the Commission an annual report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

19. Commends the Special Rapporteur for his work as reflected in his report (E/CN.4/1998/38 and Add.1 and Add.2);

20. Notes the recommendations of the Special Rapporteur contained in his report, as well as the recommendations made in previous years;

21. Decides to extend for three years the mandate of the Special Rapporteur on torture;

22. Invites the Special Rapporteur to continue to examine questions concerning torture and other cruel, inhuman or degrading treatment or punishment directed against women and conditions conducive to such torture, to make appropriate recommendations concerning the prevention and redress of gender-specific forms of torture, including through rape, and to exchange views with the Special Rapporteur on violence against women with a view to enhancing further their effectiveness and mutual cooperation;

23. Also invites the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and other cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations concerning the prevention of such torture;

24. Approves the methods of work employed by the Special Rapporteur as set out in his previous report (E/CN.4/1997/4, annex), in particular with regard to urgent appeals, encourages him to continue to respond effectively to credible and reliable information that comes before him and invites him to continue to seek the views and comments of all concerned, including Governments, in the elaboration of his report;

25. Calls upon all Governments to cooperate with and assist the Special Rapporteur on torture in the performance of his task, to supply all necessary information requested by him and to react appropriately to his urgent appeals;

26. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

27. Encourages all Governments to give serious consideration to inviting the Special Rapporteur to visit their countries, so as to enable him to fulfil his mandate even more effectively;

28. Requests the Special Rapporteur to continue to consider inclusion of information in his report on the follow-up by Governments to his recommendations, visits and communications;

29. Considers it desirable that the Special Rapporteur continue to exchange views with the relevant human rights mechanisms and bodies, especially the Committee against Torture and the High Commissioner for Human

Rights, in particular with a view to enhancing further their effectiveness and mutual cooperation, while avoiding unnecessary duplication, and that he should pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice;

30. Invites the Special Rapporteur to present an oral interim report to the General Assembly at its fifty-third session on the overall trends and developments with regard to his mandate and a full report to the Commission at its fifty-fifth session;

31. Takes note of the reports of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1998/37 and Add.1 and Add.2 and A/52/387);

32. Expresses its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has accomplished and to those Governments, organizations and individuals that have already contributed to the Fund;

33. Appeals to all Governments, organizations and individuals in a position to do so to contribute annually to the Fund, if possible with a substantial increase in the number and level of contributions in order to take into consideration the ever-increasing demand for assistance;

34. Stresses the need for contributions to the Fund on a regular basis and takes note of the request of the Board of Trustees that such contributions be paid before the Board's annual meeting in May in order, inter alia, to prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role;

35. Stresses in particular the increasing need for assistance to rehabilitation services for victims of torture;

36. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

37. Renews its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

38. Calls upon the Board of Trustees of the Fund to report to the Commission at its fifty-fifth session and present an updated assessment of the global need for international funding of rehabilitation services for victims of torture;

39. Requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis;

40. Urges States parties whose arrears pre-date the provision made by the Secretary-General for funding the Committee against Torture from the regular budget to fulfil their obligations forthwith;

41. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing as well as the necessary technical facilities for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance;

42. Decides to continue to consider these questions at its fifty-fifth session.

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 15

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

Argentina, Belgium*, Bhutan, Chile, Colombia*, Cyprus*, Czech Republic, Denmark, Egypt*, El Salvador, Finland*, France, Germany, Indonesia, Iraq*, Ireland, Italy, Malaysia, Mexico, Morocco, Myanmar*, Nicaragua*, Norway*, Pakistan, Peru, Philippines, Portugal*, Republic of Korea, South Africa, Sri Lanka, Sweden*, Togo* and Uruguay: draft resolution

1998/... Traffic in women and girls

The Commission on Human Rights,

Recalling all previous resolutions on the problem of traffic in women and girls adopted by the General Assembly and the Commission on Human Rights as well as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Reaffirming the provisions adopted by the World Conference on Human Rights, the World Summit for Social Development, the Fourth World Conference on Women and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders pertaining to the traffic in women and children,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Acknowledging the work done by intergovernmental and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing shelter for trafficked women and children, and in effecting their voluntary repatriation to their countries of origin,

Noting with concern the increasing number of women and girls who are being victimized by traffickers and acknowledging that trafficking also victimizes young boys,

Stressing the urgent need to eliminate all forms of sexual violence and trafficking, including for prostitution, which are violations of human rights of women and girls and are incompatible with the dignity and worth of the human person, through the adoption of effective measures nationally, regionally and internationally,

1. Takes note with appreciation of the report of the Secretary-General on the traffic in women and girls (A/52/355);

2. Welcomes national, regional and international efforts to implement the recommendations of the World Congress Against Commercial Sexual Exploitation of Children, and calls upon Governments to take further measures in that regard;

3. Calls upon Governments to criminalize trafficking in women and girls in all its forms, to condemn and penalize all the offenders involved, including intermediaries, whether their offence was committed in their own or in a foreign country, while ensuring that the victims of those practices are not penalized, and to penalize persons in authority found guilty of sexually assaulting victims of trafficking in their custody;

4. Also calls upon Governments of countries of origin, transit and destination and appropriate regional and international organizations to implement the Platform for Action of the Fourth World Conference on Women by:

(a) Considering the ratification and enforcement of international conventions on trafficking in persons and on slavery;

(b) Taking appropriate measures to address the root factors, including external factors that encourage trafficking in women and girls for prostitution and other forms of commercial sex, and strengthening existing legislation with a view to providing better protection of the rights of women and girls and punishing the perpetrators through criminal and civil measures;

(c) Increasing cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

(d) Allocating resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and health care; and

(e) Developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children;

5. Invites Governments, with the support of the United Nations, to formulate manuals for the training of personnel who receive and/or hold in temporary custody victims of gender-based violence, including trafficking, with a view to sensitizing them to the special needs of the victims;

6. Encourages relevant United Nations bodies and organizations, including the United Nations International Research and Training Institute for the Advancement of Women, the United Nations Development Fund for Women, the United Nations Children's Fund, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, as well as the International Organization for Migration, to contribute to the preparation of guidelines for the use of Governments in the elaboration of their manuals, in cooperation with relevant intergovernmental and non-governmental organizations;

7. Also encourages the Office of the High Commissioner for Human Rights to continue to include the issue of traffic in women and girls in its programme of work under its advisory, training and information activities, with a view to providing assistance to Governments, upon their request, in instituting preventive measures against trafficking through education and appropriate information campaigns;

8. Invites the Special Rapporteur on violence against women and the Special Rapporteur on the sale of children, child prostitution and child pornography of the Commission on Human Rights and the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue addressing, within

their respective mandates, the problem of trafficking in women and girls as a priority concern, and to recommend, in their reports, measures to combat such phenomena;

9. Also invites relevant intergovernmental and non-governmental organizations to provide advisory services to Governments, upon their request, in planning and setting up rehabilitation programmes for victims of trafficking and in training personnel who will be directly involved in the implementation of those programmes;

10. Requests the Secretary-General to provide the Commission, at its fifty-fifth session, with his report to the General Assembly at its fifty-third session on the implementation of the present resolution;

11. Decides to continue its consideration of the question at its fifty-fifth session under the relevant agenda item.

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COMMISSION ON HUMAN RIGHTS
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Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Andorra*, Argentina, Armenia*, Austria, Azerbaijan*, Belarus, Belgium*, Bosnia and Herzegovina*, Bulgaria*, Cape Verde, Chile, Colombia*, Czech Republic, Denmark, Dominican Republic*, El Salvador, Ethiopia*, Finland*, France, Georgia*, Germany, Guatemala, Hungary*, Ireland, Israel*, Italy, Japan, Latvia*, Liechtenstein*, Luxembourg, Mali, Malta*, Mexico, Mongolia*, Nicaragua*, Philippines, Poland, Portugal*, Republic of Korea, Romania*, Rwanda, Slovakia*, Slovenia*, South Africa, Sweden*, Switzerland*, The Former Yugoslav Republic of Macedonia*, Ukraine and Uruguay: draft resolution

1998/... Human rights in the administration of justice in particular of children and juveniles in detention

Guided by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols, and in particular article 6 of the latter Covenant,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Bearing in mind the relevant principles embodied in the Convention on the Rights of the Child, and in particular its articles 3, 37, 39 and 40, as well as the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Deeply concerned at the severity and brutality with which children and juveniles are used as instruments in criminal activities,

Aware of the need for special vigilance with regard to the specific situation of children and juveniles as well as women in detention and their special needs while deprived of their liberty, in particular their vulnerability to various forms of abuse, injustice and humiliation,

Reaffirming that the best interest of the child must be a primary consideration in all decisions concerning the deprivation of their liberty, in particular that every child deprived of liberty shall be separated from adults, unless it is considered in the child's best interest not to do so,

Underlining the need to further increase the cooperation in the field of the administration of justice between the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice,

Welcoming the important activities of the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention and the United Nations Development Programme in the field of juvenile justice,

Welcoming also the Guidelines for Action on Children in the Criminal Justice System, as annexed to Economic and Social Council resolution 1997/30 on administration of juvenile justice, including the establishment of a coordination panel on technical advice and assistance in juvenile justice,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/1998/35);

2. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. Reiterates its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of these standards;

4. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights;

5. Invites Governments to provide training, including gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers and other professionals concerned, including police and immigration officers;

6. Encourages States to make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance in order to strengthen national capacities and infrastructures in the field of the administration of justice;

7. Invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

8. Calls upon the Secretary-General to strengthen system-wide coordination in the field of administration of justice, in particular between the United Nations programmes in the field of human rights and crime prevention and criminal justice;

9. Welcomes the fact that the Committee on the Rights of the Child attaches particular importance to the question of the administration of juvenile justice and that it has made concrete recommendations concerning the improvement of juvenile justice systems, through action by the Secretariat and other relevant United Nations entities, including the provision of advisory services and technical cooperation;

10. Also welcomes the establishment of a Coordination Panel on technical advice and assistance in juvenile justice which aims at coordinating activities in the field of juvenile justice undertaken by relevant entities of the United Nations system as well as non-governmental organizations, professional groups and academic societies involved in the provision of technical advice and assistance;

11. Requests the High Commissioner for Human Rights to continue to pay special attention to the subject of juvenile justice;

12. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights to continue to give special attention to questions relating to the effective protection of human rights in the

administration of justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for measures of advisory services and technical assistance;

13. Recognizes that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her dignity and needs;

14. Recommends that States ensure that all structures, procedures and programmes in the administration of justice with regard to child offenders promote assistance to allow children to take responsibility for their actions and to encourage, inter alia, reparation, mediation and restitution, especially for the direct victim of the crime;

15. Urges States to take appropriate steps to ensure compliance with the principle that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children and juveniles, unless it is considered in their best interest not to do so, are separated from adults;

16. Also urges States to take fully into account, in their national legislation and practice, and disseminate widely the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

17. Requests the Secretary-General to present a report to the Commission at its fifty-sixth session on practical measures for the implementation of the international standards in the field of human rights in the administration of justice, in particular juvenile justice, including on the role of technical assistance of the United Nations system in this regard;

18. Decides to consider this question at its fifty-sixth session under the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

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COMMISSION ON HUMAN RIGHTS
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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

Afghanistan*, Argentina, Austria, Botswana, Burundi*, Cameroon*, Canada, Chile, Colombia*, Congo, Croatia*, Czech Republic, Denmark, El Salvador, Finland*, Greece*, Guatemala, Guinea, Hungary*, Iceland*, Ireland, Israel*, Italy, Japan, Libyan Arab Jamahiriya*, Luxembourg, Madagascar, Mexico, Morocco, Nepal, Peru, Philippines, Portugal*, Romania*, Rwanda, Senegal, South Africa, Spain*, Sweden*, Uganda, Uruguay and Venezuela: draft resolution

1998/... Human rights of persons with disabilities

The Commission on Human Rights,

Mindful of the pledge made by States, under the Charter of the United Nations, to take action jointly and separately, in cooperation with the United Nations, in order to promote a better quality of life, full employment, and conditions for economic and social progress and development,

Recalling that all persons with disabilities have the right to protection against discrimination and to full and equal enjoyment of their human rights, as laid down inter alia in the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and of the International Labour Organization Convention No. 159,

Recalling also the report of the Secretary-General, to the General Assembly on the third review and appraisal of the World Programme of Action concerning Disabled Persons (A/52/351),

Reaffirming the continuing validity and value of the World Programme of Action concerning Disabled Persons, adopted by the General Assembly at its thirty-seventh session, which provides a firm and innovative framework for promoting and protecting the human rights of persons with disabilities,

Mindful of the unreserved reaffirmation in the Vienna Declaration and Programme of Action, and by the Fourth World Conference on Women of the human rights and fundamental freedoms of persons with disabilities, as well as the recognition in the Programme of Action of the International Conference on Population and Development and the Programme of Action of the World Summit for Social Development of a pressing need for, inter alia, the realization of the goals of full participation and equality for persons with disabilities,

Reaffirming its resolution 1996/27 of 19 April 1996 on the human rights of persons with disabilities,

Noting the report of the Special Rapporteur of the Commission for Social Development on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (A/52/56, annex),

Reaffirming Economic and Social Council resolutions 1997/19 on equalization of opportunities for persons with disabilities and 1997/20 on children with disabilities,

Recalling General Assembly resolution 48/96 of 20 December 1993, by which the Assembly adopted the Standards Rules on the Equalization of Opportunities for Persons with Disabilities,

Recalling also General Assembly resolution 52/107 of 12 December 1997, in which the Assembly called for the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities,

Welcoming initiatives to hold international conferences relating to persons with disabilities, particularly the holding of the Fifth World Assembly of Disabled People's International at Mexico City in December 1998, on the theme "Towards an inclusive twenty-first century",

Re-emphasizing the responsibility of Governments for removing or facilitating the removal of barriers and obstacles to the full integration and participation of persons with disabilities in society, and supporting their efforts to develop national policies to reach specific objectives,

Recognizing the contribution of non-governmental organizations, especially organizations of persons with disabilities, in the global effort to bring about full participation and equality for persons with disabilities and to ensure the full enjoyment of human rights by persons with disabilities,

Noting the reports of Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and the Office of the High Commissioner for Human Rights publication Human Rights and Disabled Persons, in which international mechanisms for the protection and promotion of the human rights of persons with disabilities, such as an ombudsman, are proposed,

Noting also the International Labour Organization survey of the law and practice of States parties to Convention No. 159,

Concerned at the extent of disabilities caused by the indiscriminate use of anti-personnel mines, particularly among civilian populations,

1. Recognizes that any violation of the fundamental principle of equality and any discrimination or other negative differential treatment of persons with disabilities inconsistent with the United Nations Standard Rules on Equalization of Opportunities for Persons with Disabilities is an infringement of the human rights of persons with disabilities;

2. Calls upon the Secretary-General to maintain the integrity of programmes within the United Nations system relating to persons with disabilities, including the United Nations Voluntary Fund on Disability, in order to promote the rights and the equalization of opportunities and full inclusion within societies of persons with disabilities;

3. Welcomes the renewal of the mandate of the Special Rapporteur on disability of the Commission for Social Development, and thanks him for addressing the Commission on Human Rights in the year of the fiftieth anniversary of the Universal Declaration of Human Rights;

4. Invites the Special Rapporteur of the Commission for Social Development to address the Commission on Human Rights at its fifty-sixth session;

5. Takes note of the global survey of government action on disability policy published in 1997 by the Office of the Special Rapporteur on disability;

6. Calls upon States to cooperate fully with the Special Rapporteur, to meet his requests for information and to provide relevant data to the Committee on Economic, Social and Cultural Rights;

7. Encourages non-governmental organizations active in the protection and promotion of the human rights of persons with disabilities to cooperate closely with each other, and to provide relevant information to the Committee on Economic, Social and Cultural Rights and to the Office of the High Commissioner for Human Rights;

8. Also encourages such non-governmental organizations to avail themselves of the technical assistance of the Office of the High Commissioner for Human Rights to assist them to function effectively in the human rights sphere;

9. Encourages Governments to support non-governmental organizations active in the promotion and protection of the human rights of persons with disabilities;

10. Recognizes the right of persons with disabilities, individually and collectively, to form and become members of organizations of persons with disabilities and the right of such organizations to speak for and act as legitimate representatives of their members;

11. Encourages all the human rights treaty monitoring bodies to respond positively to its invitation to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure full enjoyment of those rights by persons with disabilities, and urges Governments to cover fully the question of the human rights of persons with disabilities in complying with reporting obligations under the relevant United Nations human rights instruments;

12. Invites all special rapporteurs, in the course of carrying out their mandates, to take into account the situation and human rights of persons with disabilities;

13. Urges Governments to implement, with the cooperation and assistance of relevant organizations, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, having particular regard for

the needs of women, children and persons with developmental and psychiatric disabilities in order to guarantee their human dignity and integrity;

14. Invites Governments and the private sector to contribute to the United Nations Voluntary Fund on Disability, with a view to providing additional support for the implementation of the Standard Rules, within the context of the World Programme of Action concerning Disabled Persons;

15. Requests the Secretary-General to continue to ensure appropriate support for the effective functioning of the Long-Term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond;

16. Expresses grave concern that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities;

17. Welcomes increased international efforts in various forums with respect to anti-personnel mines, and in this regard takes due note of the conclusion of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and its implementation by those States that become parties to it, as well as of the amended Mines Protocol of the Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects;

18. Calls upon all States and relevant United Nations bodies, including the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine clearance efforts, and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and rehabilitation, thereby reducing the number and the plight of victims;

19. Encourages the development of programmes for persons with disabilities to enable them to develop their potential to fully participate in all aspects of society;

20. Requests the Secretary-General to report biennially to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities;

21. Also requests the Secretary-General to make available to the Commission at its fifty-fifth session the latest report of the Special

Rapporteur on disability of the Commission for Social Development on his monitoring of the Standard Rules on the Equalization of Opportunity for Persons with Disabilities;

22. Calls upon the United Nations Development Programme and all intergovernmental institutions for development cooperation to integrate disability measures into their mainstream activities;

23. Requests that all United Nations organizations and specialized agencies address the problems that exist in creating equal opportunities for persons with disabilities at all levels;

24. Encourages Governments to work towards developing appropriate education policies and practices for children and adults with disabilities, to include persons with disabilities in strategies and plans aimed at eradicating poverty, promoting education and enhancing employment, and to take account of the right of persons with disabilities to housing, shelter, transport and supportive equipment;

25. Invites the International Labour Organization, in cooperation with governments and intergovernmental bodies, to take the lead internationally in formulating policies and strategies that will lead to equal job opportunities;

26. Invites Governments and non-governmental organizations to collect and collate appropriate information and data on persons with disabilities, to assist in the formulation of effective policies to address issues of equality;

27. Recommends that the Office of the High Commissioner for Human Rights take account of information on legislation affecting the human rights of persons with disabilities which has been collected by the Special Rapporteur on disability of the Commission for Social Development;

28. Reaffirms its commitment to ensuring that the human rights of persons with disabilities and their concerns for full participation in all aspects of society continue to be addressed in all of its work;

29. Decides to continue to consider the question at its fifty-sixth session under the agenda item entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities".

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 8 (c)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Argentina, Australia*, Austria, Belgium*, Bulgaria*, Canada, Chile, Cyprus*, Côte d'Ivoire*, Cuba, Czech Republic, Denmark, Finland*, Germany, Georgia*, Greece*, Hungary*, Ireland, Italy, Liechtenstein*, Lithuania*, Luxembourg, Madagascar, Netherlands*, New Zealand*, Norway*, Poland, Portugal*, Republic of Korea, Romania*, San Marino*, Senegal, Slovakia*, Spain*, Sweden*, Switzerland* and United Kingdom of Great Britain and Northern Ireland: draft resolution

Question of enforced or involuntary disappearances

The Commission on Human Rights,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, its resolution 1997/26 of 11 April 1997 and its resolution 1995/75 of 8 March 1995 on cooperation with representatives of United Nations human rights organs,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States, and Assembly resolutions 49/193 of 23 December 1994 and 51/94 of 12 December 1996,

Deeply concerned, in particular, by the intensification of enforced or involuntary disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Emphasizing that impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof,

1. Takes note of the report (E/CN.4/1998/43) that the Working Group on Enforced or Involuntary Disappearances has submitted to the Commission on Human Rights in accordance with Commission resolution 1997/26 of 1 April 1997;

2. Encourages the Working Group to continue, in execution of its mandate:

(a) To promote communication between families of disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(b) To observe in its humanitarian task United Nations standards and practices regarding the handling of communications and the consideration of government replies;

(c) To consider the question of impunity in the light of the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearance and of the final reports submitted by the rapporteur appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(d) To pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons, and cooperate closely with the Governments concerned in searching for and identifying these children;

(e) To pay particular attention to cases transmitted to it that refer to ill-treatment, serious threatening or intimidation of witnesses of enforced or involuntary disappearances or relatives of disappeared persons;

(f) To pay particular attention to cases of the disappearance of persons working for the promotion and protection of human rights and fundamental freedoms, wherever they occur, and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;

(g) To continue applying a gender perspective in its reporting process, including in information collection and formulation of recommendations;

(h) To provide appropriate assistance with the implementation by States of the Declaration on the Protection of All Persons from Enforced Disappearance and of the existing international rules;

3. Deplores the fact that some Governments have never provided substantive replies concerning the cases of enforced disappearances in their countries or acted on the recommendations concerning them made in the reports of the Working Group;

4. Urges the Governments concerned:

(a) To cooperate with the Working Group and help it to carry out its mandate effectively, in particular by inviting it freely to visit their countries;

(b) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(c) To take steps to protect witnesses of enforced or involuntary disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

(d) That have long had many unresolved cases of disappearances, to continue their efforts to shed light on the fate of the individuals concerned and to set in train with the families of those individuals appropriate settlement machinery;

(e) To make provision in their legal systems for machinery for the seeking by victims of enforced or involuntary disappearances or their families of fair and adequate reparation;

5. Reminds Governments:

(a) That all acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties which should take due account of their extreme seriousness under penal law;

(b) Of the need to ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

6. Expresses:

(a) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations, and invites them to inform the Working Group of any action they take on those recommendations;

(b) Its commendation of the efforts by Governments which investigate, or develop appropriate mechanisms to investigate, any cases of enforced disappearances which are brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

7. Invites:

(a) States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered in preventing enforced, involuntary or arbitrary disappearances and in giving effect to the principles set forth in the Declaration on the Protection of All Persons from Enforced Disappearance;

8. Takes note of non-governmental organizations' assistance to the Working Group and activities in support of the implementation of the Declaration, and invites those organizations to continue their cooperation;

9. Requests the Working Group to report on its activities to the Commission at its fifty-fifth session;

10. Requests the Secretary-General:

(a) To ensure that the Working Group receives all the assistance and resources, especially a database on cases of enforced disappearance, that it requires to perform its function, carry out and follow up missions, hold sessions in countries that would be prepared to receive it and update the database;

(b) To keep the Working Group and the Commission on Human Rights regularly informed of the steps he takes for the wide dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance;

11. Decides to renew for a period of three years the mandate of the Working Group on Enforced or Involuntary Disappearances comprising five independent experts;

12. Decides to consider this matter at its fifty-fifth session under the same agenda item.